

Application Serial No. 10/583,880
Reply to Office Action of November 19, 2010

PATENT
Docket: CU-4890

REMARKS

In the Office Action, dated November 19, 2010, the Examiner states that Claims 57-74 are pending and rejected. By the present Amendment, Applicant amends the claims.

Rejections under 35 U.S.C. §103(a)

Claims 63-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2000-109510 (Oe) in view of Stevenson '409 and Haugh '526. Claims 63 and 65-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keys '102 in view of Monroe '790, Stevenson '409 and Haugh '526. Claims 63 and 65-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keys '102 in view of Monroe '790, Stevenson '409, Haugh '526 and Baum '275. Claims 63-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keys '102 in view of Monroe '790, Stevenson '409, Haugh '526, Baum '275 and Asakawa '598. Claims 57 and 59-62 are rejected under 35 U.S.C. §103(a) as being unpatentable over EP 0 437 259 (Laganis) in view of Stevenson '409 and Haugh '526. Claims 57-62 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kawabata '340 in view of JP 01-287105 (Harada), Stevenson '409 and Haugh '526. Claims 69-74 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okubo '324 in view of DE 100571141 (Ernst), JP 06-175554 (Yamaguchi), Stevenson '409 and Haugh '526. Applicant respectfully disagrees with and traverses these rejections.

With respect to Claims 57 - 62 (relating to the red recording wavelength), the Office Action considers them to be obvious because Laganis, Kawabata '340 and/or Harada teach the use of compound (1) or (2) as recited in Claim 57, or a similar compound, as the sensitizing dye for volume hologram recording. Furthermore, the Office Action considers that Stevenson '409 or Haugh '526 teach or suggest to record volume holograms by a one axis exposure method.

However, Applicant respectfully asserts that even if one of ordinary skill in the art reviewed the cited references, it would not be possible to expect, or there could be no reasonable expectation that, such a technical advantage of a brighter hologram can be obtained by one axis exposure using a recording wavelength that deviates from the maximum absorption wavelength of the sensitizing dye by 14 nm or more.

Application Serial No. 10/583,880
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Concerning Haugh '526, the Office Action considers that Example I (contact copying) is much quicker in forming volume holograms compared with Example XXXVI (two beams exposure). It is not clear for Applicant, however, where the basis for such an assertion comes from.

Due to the foregoing reasons, Applicant respectfully asserts that Claim 57, in which the sensitizing dye used is compound (1), cannot be considered obvious over the cited prior art.

Moreover, Applicant respectfully asserts that compound (1) recited in Claim 57 and compounds similar thereto, is not taught or suggested in Laganis, Kawabata '340 or Harada.

To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). Since the prior art does not teach or suggest each and every feature of the presently claimed invention, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established.

Since independent Claim 57 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite.

With respect to Claims 63-68 (relating to green recording wavelength), the Office Action considers that these claims are obvious because it is described in Oe, Keys '102, Monroe '790, Baum '275 and/or Asakawa '598 to use compound (3) or (4) recited in Claim 63, or a similar compound, as the sensitizing dye for volume hologram recording, and also because it is described in Stevenson '409 or Haugh '526 to record volume holograms by a one axis exposure method.

However, due to the reasons asserted in connection with independent Claim 57, as well as the fact that compound (4) recited in Claim 63, and compounds similar thereto, is not taught or suggested in Oe, Keys '102, Monroe '790, Baum et al. '275 and/or Asakawa '598, Applicant respectfully asserts that Claim 63 cannot be considered obvious over the cited prior art.

Application Serial No. 10/583,880
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Since independent Claim 63 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite.

With respect to Claims 69 to 74 (relating to blue recording wavelength), the Office Action considers that these claims are obvious because it is described in Okubo '324, Ernst or Yamaguchi to use compound (5) or (6) recited in Claim 69, or a similar compound, as the sensitizing dye for volume hologram recording, and also because it is described in Stevenson '409 or Haugh '526 to record volume holograms by a one axis exposure method.

However, Applicant respectfully asserts that compounds (5) and (6) recited in Claim 69, and compounds similar thereto, are not taught or suggested in Okubo '324, Ernst or Yamaguchi.

Therefore, for the same reasons asserted in connection with independent Claim 57, as well as the fact that the cited prior art does not teach or suggest compounds (5) or (6), Applicant respectfully asserts that Claim 69 cannot be considered obvious.

Since independent Claim 69 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite.

For the above-mentioned reasons, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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